

DESIGN UTILITY PATENT

COMBINED DECLARATION AND POWER OF ATTORNEY
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

original
 design
 supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

national stage of PCT

NOTE: If one of the following three items applies, then check and also complete section entitled "CLAIM FOR BENEFIT UNDER 35 U.S.C. § 120."

divisional
 continuation
 continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

SYSTEM AND METHOD FOR AUTOMATICALLY DRILLING AND BACKREAMING A HORIZONTAL BORE UNDERGROUND

SPECIFICATION IDENTIFICATION



the specification of which:

(a) is attached hereto.

(b) was filed on January 12, 2000 Serial No. 09/481,351 Express Mail No. EL452665041US.

NOTE: Amendments filed after the original papers are deposited with the PTO and which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

(c) was described and claimed in PCT International Application No. _____ filed on _____ as amended under PCT Article 19 on _____ (if any).

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority under 35 U.S.C. § 119, complete and attach EXHIBIT 1, FOREIGN PRIORITY CLAIM UNDER 35 U.S.C. § 119.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56,

(also check the following items, if desired)

and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and

in compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR § 1.98.

CLAIM FOR BENEFIT UNDER 35 U.S.C. § 120

NOTE: Complete this part only if this is a divisional, continuation or CIP application.

I hereby claim the benefit under Title 35, United States Code, Section 120, of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

| PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120: | | | | |
|--|---------------------------|----------------------------|---------------------------|----------------|
| U.S. APPLICATIONS | | | Status (check one) | |
| U.S. SERIAL NO | U.S. FILING DATE | | PATENTED | PENDING |
| | | | | |
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| | | | | |
| PCT APPLICATIONS DESIGNATING THE U.S. | | | | |
| PCT APPLN. NO. | PCT FILING NO. | U.S. SERIAL NO. | | |
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FOREIGN PRIORITY CLAIM UNDER 35 U.S.C. § 119



(complete one of the following)

I claim no foreign priority benefits under Title 35 U.S.C. § 119 of foreign application(s) for patent or inventor's certificate or of any PCT international application; or

I claim foreign priority benefits under Title 35 U.S.C. § 119, as indicated in ADDED PAGE FOR FOREIGN PRIORITY CLAIM UNDER 35 U.S.C. § 119 attached hereto as Exhibit 1.

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Sean V. O'Connell, Reg. No. 42,951 and Mitchell K. McCarthy, Reg. No. 38,794 of the firm of McKINNEY & STRINGER, P.C., Corporate Tower, 101 North Robinson, Suite 1300, Oklahoma City, Oklahoma 73102.

Address all correspondence to:

Sean V. O'Connell, Esq.
McKINNEY & STRINGER, P.C.
Corporate Tower
101 North Robinson, Suite 1300
Oklahoma City, Oklahoma 73102-5504
Phone: 405/272-1915
Fax: 405/239-7902

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES

Full Name of Sole
or First Inventor:

David R. Payne

Inventor's Signature:

David R. Payne

Date of Signature:

4-6-00

Residence and

1120 - 14th, Perry, Oklahoma 73077

Post Office Address:

Country of Citizenship:

USA



DESIGN UTILITY PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David R. Payne, Gerald A. Stangl,
Norman E. Stevens, Jr., and Michael
F. Gard

Serial No.: 09/481,351

Filed: January 12, 2000

For: SYSTEM AND METHOD FOR
AUTOMATICALLY DRILLING
AND BACKREAMING A
HORIZONTAL BORE
UNDERGROUND

Att'y Dkt. No. 82380-0339

Box Missing Parts

Assistant Commissioner for Patents
Washington, D.C. 20231

POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST

(INCLUDING REVOCATION OF PRIOR POWERS, IF APPLICABLE)

-- AND --

CERTIFICATE OF ASSIGNEE UNDER 37 C.F.R. 3.73(b)

I. POWER OF ATTORNEY

The assignee of the above application/patent is:

The Charles Machine Works, Inc.

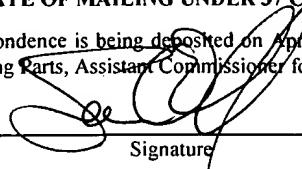
As assignee, all powers of attorney previously given are hereby revoked and the following attorney(s) and/or agent(s) are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

Sean V. O'Connell, Esq., Reg. No. 42,951
Mitchell K. McCarthy, Esq., Reg. No. 38,794
McKINNEY & STRINGER, P.C.
Corporate Tower
101 North Robinson, Suite 1300
Oklahoma City, OK 73102-5504
Phone: 405/272-1915
Fax: 405/239-7902

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited on April 11, 2000, with the United States Postal Service as First Class mail in an envelope addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, D. C. 20231.

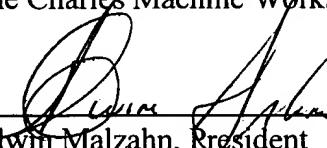
Sean V. O'Connell
Name of applicant, assignee or
registered representative
SVO/tcr/386558


Signature

April 11, 2000
Date

Please direct correspondence and telephone calls to the above attorney(s).

The Charles Machine Works, Inc.

By: 

Edwin Malzahn, President

II. CERTIFICATE UNDER 37 C.F.R. 3.73(b)

The Charles Machine Works, Inc. hereby certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application identified above.

The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____; or

The assignment, a copy of which is submitted herewith, the same having been submitted herewith for recordation.

OR

B. A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

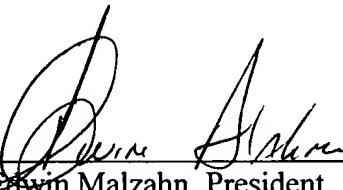
The undersigned representative of the assignee has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned further states that he is president of Assignee corporation, and is authorized to act herein on its behalf.

The undersigned further declares that all statements made herein of his own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 5th day of April, 2000.

Signed:


Edwin Malzahn, President

The Charles Machine Works, Inc.